

MDT200533K

To be completed by Police Officer
and given to Motorist

TOWN OF TUXEDO POLICE

Local Police Code
03565

Last Name(Defendant) MERRING		First Name ERIC		M.I. K
Number and Street 343 BOB HOLLOWAY RD				
City DELANCEY		State NY	Zip Code 13752	Owner Oper. <input checked="" type="radio"/>
Client ID Number 703839998		Sex M	Date Expires 12/3/2011	
Lic. State NY	Date of Birth 12/3/1969	Veh. Type 1	Year 1987	Make CADI
Plate Number CSE5066		Reg. State NY	Registration Expires 1/19/2008	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 9:03 AM	Date of Offense 12/4/2006	IN VIOLATION OF NYS V AND T LAW	
Section Sub Section 1180B	Tr Inf <input checked="" type="radio"/>	Misd <input type="radio"/>	MPH 72
Description of Violation SPEED OVER 55 ZONE		MPH Zone 55	
Place of Occurrence RT 17 S/B		US DOT#	
C/T/V Name TUXEDO, TOWN OF - 3665		County ORANGE	
Hwy. No. 17		Loc. Code 3665	
Hwy Type 2		NCIC/ORI 03565	

AFFIRMED UNDER PENALTY OF PERJURY

Date Affirmed
12/04/2006Off Assign
1Arrest Type
1 - PATROLBadge/Shield
0024

(Officer's Signature)

Officer's Last Name
DELIAFirst Name
A

M.I.

Radar Officer's Signature

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

TUXEDO TOWN COURT

Address
1 TEMPLE DRIVE BOX 605City
TUXEDOState
NYZip
10987
☒ RETURN BY MAIL BEFORE OR IN PERSON ON:
☐ MUST APPEAR IN PERSON
Date
1/11/2007Time
4:30 PM

A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.

Upon conviction you may be subject to a mandatory surcharge in the amount prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

TO PLEAD BY MAIL (NOT TO BE USED FOR MISDEMEANORS)

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.

- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.

- Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.

- DO NOT use this form for Misdemeanors or for a third or subsequent speeding violation in an 18 month period, instead you must appear in the Court noted on this ticket in person.

- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

I, _____
residing at _____
have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

All statements are made under penalty of perjury:

Date: _____ Signed: _____

SECTION B - PLEA OF NOT GUILTY

The following notice applies to you if the officer did not issue you a supporting deposition with your ticket.

NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?

Yes ☐ No ☐
SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO ☐ SPEEDING (Gen 101) ☐
 GENERAL (Gen 101A) ☐

Signature _____

Address _____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your trial date.

**APPLICANTS UNDER 18 YEARS OF AGE
MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.**

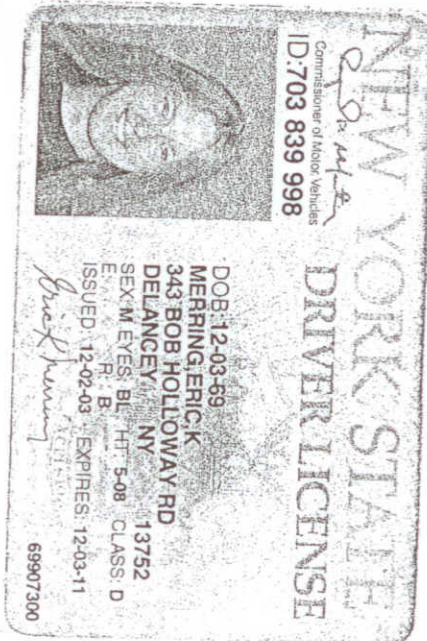
Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UTD-1.7 (4/02)



Keep this document to show to the police and courts.

NY-ES308 (6/03) NEW YORK STATE REGISTRATION DOCUMENT

PAS

CSE5066

1987 CADIL NONTTRANSFERABLE

4DSD MR 1G6DW51Y4H9753610

3977 G 8 UTD4016 JAN 18 2006

Wt/Seals Fuel/Oyl 014 UTD

Expires 01/19/08

MERRING, ERIC, K

343 BOB HOLLOWAY RD

DELANCEY NY

13752 27.50

ANNUAL CHG

089444BN VOID IF ALTERED EXCEPT FOR ADDRESS 55.00



DUPLICATE 4/22/03

C 9413

Date 4/12/88

STATE OF NEW YORK

County of DELAWARE

LICENSE TO CARRY PISTOL IS HEREBY GRANTED
To ERIC K. MERRING

Address 343 BOB HOLLOWAY RD - DELANCEY
Occupation RET. TV

Employed by GRACE, HOOK AND UTILITY SERVICES

Nationality AMERICAN

Age 22/3/8 Height 5'10" Weight 150



Judge DELANCEY County Court

1. Agency TUXEDO TOWN POLICE DEPARTMENT		2. Div/Precinct [REDACTED]		3. ORI NY0356500		5. Case No.		6. Incident No. 23218	
7,8,9. Date Reported (Day, Date, Time) MONDAY 12/17/2007 19:29			10,11,12. Occurred On/From (Day, Date, Time) MONDAY 12/17/2007 19:29			13,14,15. Occurred To (Day, Date, Time)			
16. Incident Type AID-ASSIST OTHER AGENCY					17. Business Name				
19. Incident Address (Street Name, Bldg. No., Apt. No.) 504 OLD MILL RD									
20. City/State/Zip TUXEDO NEW YORK 10987									
21. Location Code (TSLED) TUXEDO TOWN 3665				23. No. of Victims 2		24. No. of Suspects 1		26. Victim also Complainant?	
Location Type MULTIPLE DWELLING									
[REDACTED]									
1. PL 260.10 A M O C ENDANGERING WELFARE OF CHILD 1									

ASSOCIATED PERSONS

CHILD	MERRING, LUKE	11/06/2006	504 OLD MILL RD TUXEDO NY 10987	
CHILD	MERRING, KENNETH	05/07/1998	504 OLD MILL RD TUXEDO NY 10987	
CHILD PROTECTION SERVICES	HUGHES, SUSAN		NY	(845)591-7862
CHILD PROTECTION SERVICES	MOORE, CHRISTINE		NY	
PERSON INTERVIEWED	MERRING, ERIC, K	12/03/1969	504 OLD MILL RD TUXEDO NY 10987	(845)598-5114

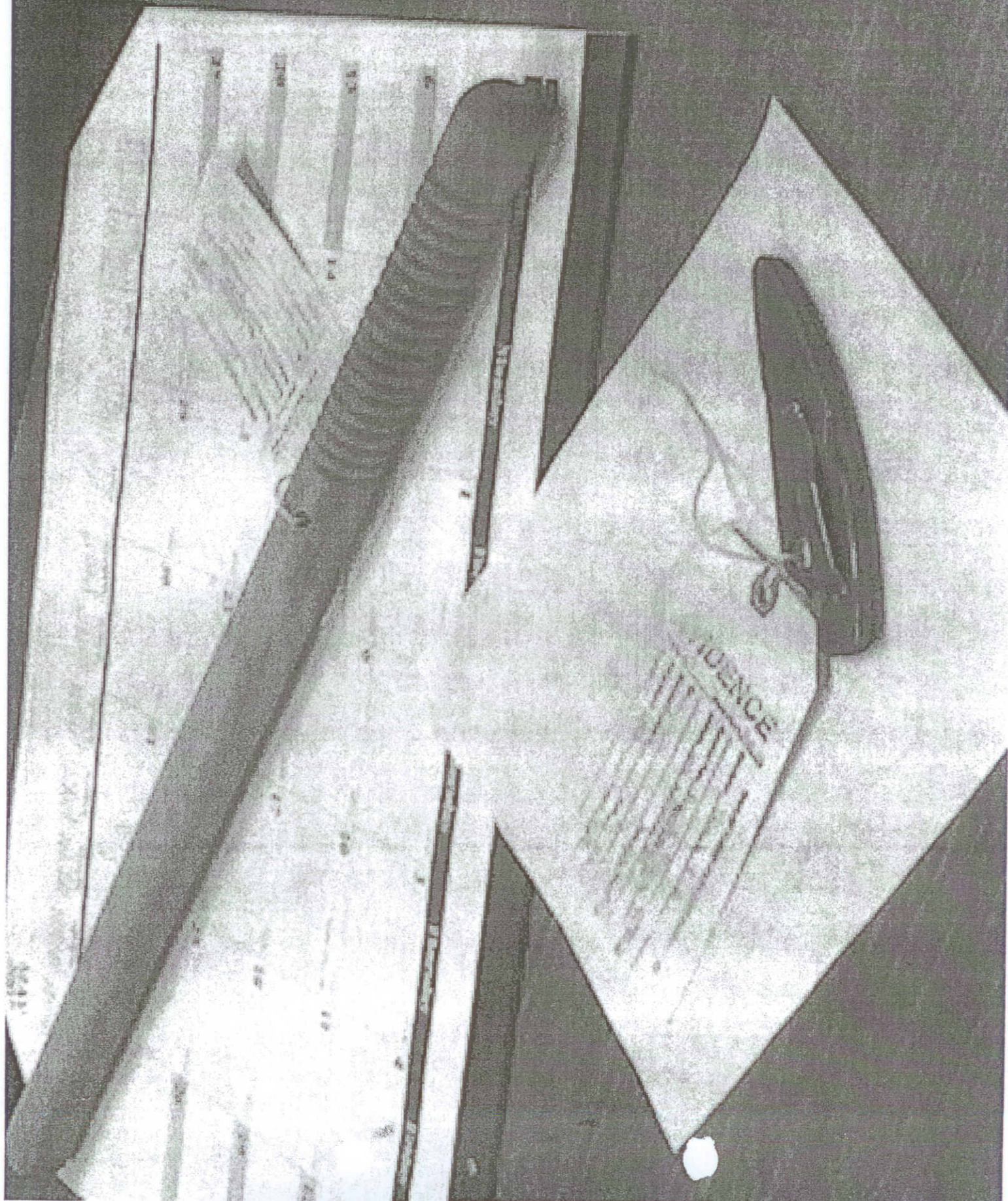
NARRATIVE

Date of Action	Date Written	Officer Name & Rank
12/17/2007	12/17/2007	BARUFFALDI, MARGARET (DISPATCHER)
Narrative		
CPS REQUEST THIS AGENCY TO DO A WELFARE CHECK ON LUKE HERRING. THE ALLEGATIONS THAT WERE MADE TO CPS THAT THERE WERE MULTIPLE GUNS IN THE HOME AND STORED UNDER THE CHILD'S BED.		
Date of Action	Date Written	Officer Name & Rank
12/18/2007	12/18/2007	WELSH, PATRICK (SERGEANT)
Narrative		
<p>ON THE ABOVE STATED DATE, TIME AND PLACE THIS AUTHORITY WAS CONTACTED BY SUSAN HUGHES, A REPRESENTATIVE OF CHILD PROTECTIVE SERVICES OF ORANGE COUNTY. SHE REPORTED THAT HER SUPERVISOR, CHRISTINE MOORE HAD RECEIVED AN ANONYMOUS COMPLAINT THAT THE SUSPECT WAS ENDANGERING HIS TWO CHILDREN BY HAVING A CACHE OF WEAPONS INCLUDING BUT NOT LIMITED TO RIFLES, HANDGUNS AND KNIVES READILY ACCESSIBLE TO THE CHILDREN. THE COMPLAINT FURTHER STATED THAT SOME OF THE WEAPONS WERE BEING STORED IN THE CHILDREN'S ROOM UNDER THE BED. MRS. HUGHES STATED THAT A CPS INVESTIGATOR WAS AT THE RESIDENCE EARLIER IN THE DAY BUT NO CONTACT WAS MADE. SHE REQUESTED TPD TO GO TO THE RESIDENCE TO CHECK ON THE VALIDITY OF THE COMPLAINT. AT 1942 HOURS R/O AND PO CHRISTIAN ARRIVED AT THE RESIDENCE. WE WERE GREETED BY THE SUSPECTS WIFE REGINA AND THEN THE SUSPECT. THEY WERE ADVISED OF THE REPORT AND AGREED TO ALLOW US IN THE RESIDENCE. THE TWO CHILDREN WERE IN THE KITCHEN. THE OLDER SON WAS FEEDING THE TODDLER. WE WENT INTO THE BOYS ROOM AND ASKED THE SUSPECT IF THERE WERE ANY WEAPONS IN THE ROOM. HE STATED NO AND BEGAN TO ACT IN A SUSPICIOUS MANNER. HE WAS NOT ANSWERING OUR DIRECT QUESTIONS. PO CHRISTIAN LOCATED TWO (2) .22 CALIBER LONG RIFLES UNDER</p>		

THE CRIB, ONE WAS IN A CLOTH SHEATH AND THE OTHER WAS IN A HARD PLASTIC CASE, BOTH WERE UNLOADED BUT THERE WAS AMMUNITION WITHIN THE CASE ITSELF. WHEN WE WALKED INTO THE MASTER BEDROOM R/O IMMEDIATELY NOTICED A .45 CALIBER HANDGUN, WHICH WAS LOADED, ON THE DRESSER FULLY EXPOSED. THERE WAS A NUMBER OF RIFLES IN THE ROOM AS WELL AS KNIVES AND AMMUNITION. THE SUSPECT HAD SEVERAL "DUTY BELTS" WHICH CONTAINED AMMUNITION, KNIVES AND EMPTY HOLSTERS. THE SUSPECT WAS TRANSPORTED TO TPD IN AN EFFORT TO CONTACT CPS. MRS. HUGHES WAS CONTACTED AND AFTER BEING ADVISED OF THE SITUATION, SHE SIMPLY ASKED THAT THE GUNS BE REMOVED FROM THE RESIDENCE IN AN EFFORT TO PROMOTE A SAFE ENVIRONMENT FOR THE CHILDREN. THE SUSPECT AGREED TO REMOVE ALL OF THE WEAPONS FROM THE RESIDENCE AND STORE THEM IN A GUN SAFE AT HIS FATHERS RESIDENCE IN ROCKLAND COUNTY. MRS. HUGHES STATED A CPS INVESTIGATOR WOULD FOLLOW UP ON 12/18/07. SHE STATED THAT THIS AUTHORITY DID NOT HAVE TO TAKE ADDITIONAL ACTION. A NOTIFICATION WILL BE MADE TO THE ORANGE COUNTY DA'S OFFICE DUE TO THE SUSPECTS PENDING LITIGATION AGAINST THIS AUTHORITY AND THE TOWN OF TUXEDO.

ADMINISTRATIVE

74. Inquiries DMV OTH	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) SERGEANT PATRICK WELSH	78. ID No. SGTPWW	79. Supervisor Signature (Include Rank) CHIEF DANIEL CARLIN	80. ID No. CHIEF
81. Status PENDING INVESTIGATION	82. Status Date 12/17/2007	83. Notified/TOT	
			Solvability Total 0



Case 7:07-cv-10381-CS Document 18-9 Filed 07/07/2008 Page 6 of 7

=====X
ERIC K. MERRING,

07 CV 10381 CLB

Plaintiffs,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN
OF TUXEDO POLICE DEPARTMENT, TOWN OF
TUXEDO POLICE OFFICER ANTHONY DELIA,
SHIELD NUMBER 24, TOWN OF TUXEDO POLICE
SERGEANT PATRICK WELSH, SHIELD NUMBER 17,

Defendants.
=====X

DEFENDANT'S DISCOVERY PURSUANT TO RULE 26 OF THE FEDERAL RULES
OF CIVIL PROCEDURE

HODGES, WALSH & SLATER LLP
Attorneys for Defendants
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White Plains, New York 10601
(914) 385-6000